IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 1285/2006

HARI RAM Vs. Vs. STATE OF RAJASTHAN

DATE: 23.02.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Veyankesh Garg for
Mr. Rohan Jain for the accused-petitioner.
Mr. S.N. Gupta, PP for the State.

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The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the petitioner against the judgment dated 12.10.2006 pased by the Additional Sessions Judge, Neem-Ka-Thana, Sikar in Criminal Appeal No. 4/2005, whereby the learned Appellate Court has modified the judgment dated 28.04.2005 passed by the Judicial Magistrate, First Class, Neem-Ka-Thana, District Sikar in Criminal Case No. 128/2004 by which the accused-petitioner has been convicted for the offence under Sections 41, 42 of the Forest Act and sentenced to undergo S.I. for three months. The Appellate Court confirming the conviction of the accused-petitioner under Sections 41, 42 of the Forest Act, set-aside the order of sentence of three months and instead of it awarded a fine of Rs. 500/-.

Having considered the submissions made by the learned counsel for the accused-petitioner as well as learned Public Prosecutor for the State and upon careful perusal of the relevant record, evidence adduced and the relevant provisions of law, so far as confirming the conviction of the accused-petitioner under Sections 41, 42 of the Forest Act and awarding fine of Rs. 500/- instead of three months S.I. is concerned, I find no illegality or error apparent on the face of the record in the impugned judgment dated 12.10.2006 and no interference whatsoever is required by this Court.

However, considering the submissions made by the learned counsel for the accused-petitioner, as no order whatsoever has been passed by the Appellate Court so far as release of tractor in question along with wood is concerned, for that purpose, the petitioner is given liberty to move application before the Appellate Court and the Appellate Court shall consider the same and pass appropriate order for releasing the tractor in question after following the due process of law.

With these observations, the revision petition stands dismissed. Record be sent back forthwith.

(K.S. RATHORE),J.

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